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SIPDIS

SENSITIVE

STATE FOR EAP/PMBS, INR/EAP
NSC FOR GREEN
SEOUL FOR ERIC JOHN

E.O. 12958: N/A

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SUBJECT: ENLISTED OAKWOOD MUTINEERS COP A PLEA

REF: 03 MANILA 4054

11. (SBU) Summary. On May 11, an Armed Forces of the Philippines (AFP) military tribunal accepted a plea bargain for about 190 enlisted men who participated in the failed July 2003 "Oakwood" mutiny. They will return to active duty status but with demotions and loss of pay. They will likely be exempt from a sentence of confinement with hard labor, given that the men have been in jail already for almost two years, while undergoing trial. The ruling contrasts with the even lighter punishment meted in response to the 1986 and 1989 coup attempts, when the guilty soldiers served their sentences by doing push-ups. The current ruling represents a step toward closure of the episode, desired by both the civilian and military leadership, especially toward the enlisted men. Plea bargains for at least most of the mutiny's leaders will likely now follow. End Summary.

Plea Bargain

12. (SBU) A five person AFP General Court Martial on May 11 ordered the release of 190 enlisted soldiers, sailors, and airmen who staged the July 2003 "Oakwood" mutiny in Makati City, Metro Manila (reftel). The defendants, ranging in rank from private to master sergeant, under a plea bargain pled guilty to three charges of disrespect and insubordination. The Court dropped main charge of mutiny and ordered the defendants reinstated to active duty -- but with a three-rank demotion, forfeiture of two-thirds of their basic salary for three to six months, and confinement with hard labor for a year, according to press reports. Defense lawyers asked for commutation of a one-year jail term with hard labor since their clients have in jail already for 22 months, while undergoing military trial; the court is expected to concur.

13. (SBU) President Gloria Macapagal-Arroyo (GMA) welcome the decision as a "very good example of justice and reconciliation." The maximum penalty for mutiny would have been death. There were some reported complaints by other enlisted, men that the guilty had gotten off too "lightly," without even dishonorable discharges. However, the Chief Prosecutor in the court-martial, Colonel Julius Magno, emphasized that the demotion and forfeiture of pay was already "a very grave imposition." Press commentators noted the even lighter punishments that then-AFP Chief Fidel Ramos had imposed on plotters in the 1980s coup attempts -- push-ups.

Ringleaders May Follow Suit

14. (SBU) The fate of 96 junior officers involved in the mutiny still hangs in the balance, and the Makati Regional Trial Court may decide next week on their cases. According to the attorney for many of the ringleaders, they had long refused on a plea bargain until their enlisted men were first freed; she predicted a similar plea bargain for the leaders will follow. A Presidential legal counsel separately indicated privately that Malacanang would look favorably upon amnesty for at least most of the mutiny leaders, but only after conviction -- on some charges, if not the most serious.

Comment: putting it in the past

15. (SBU) In the midst of destabilization plots and coup rumors, the political leadership of both the military and Malacanang probably decided that it was better to bring closure to this incident and not further punish the mutineers for raising concerns that many active officers and enlisted men continue to believe were valid. The ongoing US-supported Philippine Defense Reform program addresses many of the mutineers' key concerns, which were also reflected in the Feliciano Commission report, which the AFP has been trying to follow as a parallel pattern for reform. Although some grumble that such leniency only encourages a culture of military protest and attempts at intervention, the overall reaction in both civilian and military circles is probably

relief that this uncomfortable and embarrassing incident is now almost behind the Philippines, and that punishment should in any event be lightest for the enlisted men.
Ricciardone